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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**  
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12 Johannes Gabriel Badou Jack,

13 Plaintiff,

14 v.

15 Ringleader Boxing Management Company, LLC,

16 Defendant.  
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Case No.: 2:14-cv-318-JAD-PAL

**Order Denying Plaintiff's Motion  
for Summary Judgment [Doc. 3]**

18 Plaintiff Johannes Gabriel Badou Jack, a professional boxer, brought this action for  
19 declaratory and quasi-contractual relief against Defendant Ringleader Boxing Management  
20 Company, LLC on February 28, 2014. Doc. 1. On the same day Jack filed his Complaint, he  
21 moved for summary judgment on all of his claims. Doc. 3. Also on February 28, 2014, the  
22 Clerk of Court issued a Summons to Ringleader Boxing. Doc. 5. To date, the Summons has  
23 not been returned executed, and Ringleader Boxing has not answered or otherwise responded  
24 to either Jack's Complaint or Motion for Summary Judgment.

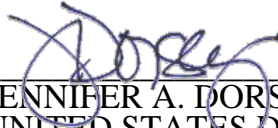
25 Service of process is governed by Federal Rule of Civil Procedure 4, and until a  
26 summons is properly served on a party or service is otherwise waived, the Court cannot  
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1 exercise personal jurisdiction over that party.<sup>1</sup> Although the rule should be liberally construed  
2 when a party has received sufficient notice that a complaint has been filed, “[n]either actual  
3 notice, nor simply naming the person in the caption of the complaint, will subject defendants  
4 to personal jurisdiction if service was not made in substantial compliance with Rule 4.”<sup>2</sup>  
5 Without personal jurisdiction over a party, the Court lacks authority to dispose of a  
6 substantive allegation against that party. Jack moved for summary judgment against  
7 Ringleader before service of process had been completed, and there is no indication that any  
8 steps to comply with Rule 4 have been taken. Thus, the Court denies his motion for  
9 summary judgment as premature.

### 10 Conclusion

11 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Summary Judgment [Doc. 3]  
12 is **DENIED**.

13 DATED: April 24, 2014.

14   
15 JENNIFER A. DORSEY  
16 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> Fed. R. Civ. Proc. 4; *Benny v. Pipes*, 799 F.2d 489, 492 (9th Cir. 1986).

28 <sup>2</sup> *Crowley v. Bannister*, 734 F.3d 967, 975 (9th Cir. 2013) (quoting *Jackson v. Hayakawa*, 682 F.2d 1344, 1347 (9th Cir. 1982) (citations omitted)).